

AGENDA ITEM #7

March 9, 2001

To: Delta Protection Commission
From: Lori Clamurro, Delta Protection Commission Staff
Subject: Legislative Update

The first year of the 2001-2002 legislative session began on December 4, 2000, and will run through September 14, 2001. The last day for bills to be introduced for consideration during this first year was February 23, 2001. This memo includes all bills of potential interest to the Delta Protection Commission that have been introduced for this legislative session.

WATER

AB 776: Thomson: WATER MANAGEMENT ACTIONS

This bill would require water management actions to be deemed a management practice that seeks to maximize the reasonable beneficial use of water within counties, watersheds, or other areas of origin, and prohibit those actions from constituting an injury to any user of water with a place of use that is located outside of the hydrologic area in which the management action takes place.

STATUS: May be heard in Committee 3/27/01

SB 868: Costa: WATER BOND ACT OF 2001: WATER RESOURCES

This bill would enact the Water Bond Act of 2001, which would authorize the issuance of bonds for the purposes of financing a clean, reliable water supply and drought year water supply infrastructure program. No specified amount of money included in the bill language.

STATUS: Senate First Reading, 2/26/01

SB 1107: Alarcon: WATER QUALITY: TOTAL MAXIMUM DAILY LOADS

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with regulatory authority over water quality. Under the federal Clean Water Act, each state is required to identify those waters for which prescribed effluent limitations are not stringent enough to implement applicable water quality standards and to establish, with regard to those waters, total maximum daily loads, subject to the approval of the United States Environmental Protection Agency, for certain pollutants at a level necessary to implement those water quality standards. This bill would make a statement of legislative intent to enact a pilot program to assist local governments to comply with requirements relating to total maximum daily loads.

STATUS: Senate First Reading, 2/26/01

ENVIRONMENT

AB 537: Canciamilla: SAN FRANCISCO BAY DELTA

This bill would state the findings and declarations of the Legislature that the Delta is becoming increasingly congested with nonnative water plant life and abandoned, unseaworthy vessels. The

bill would state the intent of the Legislature to enact programs to remove these obstacles from the navigable waterways.

STATUS: May be heard in Committee 3/24/01

SB 550: Costa: ENDANGERED SPECIES

Under existing law, until December 31, 2002, the accidental take of candidate, threatened, or endangered species on a farm or ranch is not prohibited by the California Endangered Species Act under specified circumstances. This bill would continue that exception to the Act by deleting the termination date.

STATUS: May be heard in Committee 3/25/01

SB 727: Costa: ENVIRONMENTAL WATER ACCOUNT ACT OF 2001

This bill would establish the Environmental Water Account Act of 2001 and the Environmental Water Program to authorize the Department of Water Resources (DWR) to purchase up to 185,000 acre-feet of water or water rights from sellers that would otherwise use the water or water rights in areas located north and south of the Delta. It would authorize DWR to purchase, lease, or otherwise acquire up to 200,000 acre-feet of long-term storage in a surface or groundwater reservoir, and to enter into source-shifting agreements with any entity for the temporary use of up to 100,000 acre-feet of water from any source. The bill would provide for the repeal of its provision on January 1, 2005.

STATUS: Senate First Reading 2/26/01

SB 1108: Ortiz: WATER HYACINTH

This bill would declare the intent of the Legislature to enact legislation prohibiting the sale, transport, export, import, or planting of water hyacinth.

STATUS: Senate First Reading 2/26/01

AGRICULTURE

AB 52: Wiggins: FARMLAND PROTECTION AND URBAN INFILL HOUSING BOND ACT OF 2002

This bill would enact the Farmland Protection and Urban Infill Housing Bond Act of 2002. The bill would state the intent of the Legislature to require that the proceeds of bonds sold pursuant to this Act be deposited in the Farmland Protection and Urban Infill Housing Bond Fund created by the bill.

STATUS: May be heard in Committee 1/4/01

AB 1332: Cardoza: AGRICULTURAL COMMODITIES

This bill would authorize the CA Dept. of Food and Agriculture, in consultation with the agriculture industry, to develop programs to promote California-grown agricultural products through the use of marketing licenses, trademarks, nutrition education, and related activities.

STATUS: Assembly First Reading 2/26/01

SB 1009: Costa: AGRICULTURE

This bill would create the Dairy Environmental Working Group in the Department of Food and Agriculture. The Dairy Environmental Working Group would consult with the California Environmental Protection Agency to develop a list of economically feasible measures for mitigating the impact of dairy farming on water and air quality. This bill would also appropriate \$500,000,000 from the General Fund to the State Water Resources Control Board to provide low interest loans to local public agencies to finance the construction of projects designed to manage nutrients from animal feeding operations, as specified. Local agencies, in turn, would be required to make low interest loans to individual animal feeding operations for projects.

STATUS: May be heard in Committee 3/29/01

RECREATION

AB 107: Nation: VESSELS: WRECKS AND WRECKED PROPERTY

Existing law requires that wrecked property must be returned to the owner, or sold if unclaimed, within 90 days after saving the wrecked property; this bill would reduce that time period to 45 days. Existing law authorizes the sale of any derelict vessel allowed to remain in an unseaworthy condition on lands within a public entity's jurisdiction for a period of longer than 30 days; this bill would reduce that time period to 14 days. This bill would also authorize removal and storage of a vessel removed from a public waterway when the vessel is illegally moored or docked on public property for more than 72 hours.

STATUS: Assembly Committee on Transportation; hearing scheduled for 3/19/01

AB 759: Shelley: PERSONAL WATERCRAFT: BANS

This bill would authorize any city, county, or city and county to adopt an ordinance to ban the use of personal watercraft in any navigable water within its jurisdiction.

STATUS: May be heard in Committee 3/27/01

AB 1410: Hollingsworth: VESSELS: USE PROHIBITIONS

This bill would require the Department of Boating and Waterways to withhold numbering fees, sales taxes, and property taxes derived from types of undocumented vessels from counties and cities that prohibit use of those types of vessels. The bill would also prohibit grants to be made to those counties for public launch ramps or boating facilities.

STATUS: Assembly First Reading 2/26/01

SB 196: Chesbro: SAFE PARKS, COASTAL PROTECTION, AND HISTORIC PRESERVATION BOND ACT OF 2002

This bill would authorize this issuance of bonds in the amount of \$2.275 billion for the purpose of financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, coastal, and historical resources. This bond act would be submitted to the voters at the primary election to be held March 5, 2002.

STATUS: Senate Committee on Natural Resources & Wildlife

SB 995: Morrow: VESSELS: SPECIAL USE AREAS

Existing law requires generally that any ordinance, law, regulation, or rule adopted by certain state or local entities relating to vessels pertain only to time-of-day restrictions, speed zones, special-use areas, and sanitation and pollution control. Existing law defines "special-use area" for this purpose as all or a portion of a waterway that is set aside for specified uses or activities to the exclusion of other incompatible uses or activities. This bill would prohibit state or local entities from adopting any ordinance, law, regulation, or rule that would allow special-use areas to be used in a manner that interferes with boating access to channels, shipping lanes, or international waters.

STATUS: May be heard in Committee 3/29/01

LAND USE

AB 1540: Strickland: OPEN-SPACE LANDS

This bill would provide that any action by a county or city to set aside or dedicate open-space land and to establish any related easement or other benefit shall not become effective until approved by 2/3 of the voters voting on the issue in the county or city in which the land is

situated.

STATUS: Assembly First Reading 2/26/01

AB 1637: Dickerson: FARMLAND: PUBLIC ACQUISITION

This bill would require a public agency, as specified, that has entered into a contract to purchase agricultural land, or has commenced condemnation proceedings in which the land to be condemned is agricultural land, or will otherwise acquire agricultural land with public agency funds, to immediately notify, as specified, the Secretary of Food and Agriculture, the Director of the Department of Conservation, and the appropriate city, county, or city and county in which the parcel of agricultural land is located.

STATUS: Assembly First Reading 2/26/01

ACA 8: Keeley: CALIFORNIA WATER AND LAND PROTECTION TRUST FUND

This measure would create the California Water and Land Protection Trust Fund in the State Treasury; it would prohibit any of the principal in the trust fund from being appropriated or expended. It would authorize the income generated by the trust fund to be used, pursuant to an appropriation by the Legislature, for the acquisition, operation, maintenance, restoration, and enhancement of land for habitat for native fish and wildlife and natural communities, agricultural land, scenic open space, and park and recreation areas. The land thus acquired would include uplands, wetlands, rivers, streams, naturally occurring bodies of water, and lands that protect the quality of adjacent water recreation areas.

STATUS: May be heard in Committee 3/29/01

FLOOD RELIEF/LEVEES

AB 782: Thomson: FLOOD CONTROL

Existing law requires the State to pay 50% of certain nonfederal costs related to specified flood control projects authorized on or after January 1, 2002, and to certain flood management projects, and authorizes that State share to be increased, if the Department of Water Resources or the Reclamation Board makes certain determinations. This bill would, in addition, authorize that State share to be increased for those described flood control projects if those projects increase the level of flood protection, or maintain the structural integrity of levees, channels, or other features, in a manner that provides benefits to an area that exceeds the jurisdiction of the responsible agency.

STATUS: May be heard in Committee 3/27/01

AGENCIES

AB 862: Thomson: FEDERAL NAVIGATION PROJECTS: PORT OF SACRAMENTO: LOCAL MATCHING SHARE

This bill would appropriate \$16 million from the General Fund to the Department of Boating and Waterways for allocation to the Port of Sacramento in fiscal year 2001-02 for the purpose of meeting local matching share requirements for federal navigation projects.

STATUS: May be heard in Committee 3/27/01

AB 1414: Dickerson: PUBLIC LANDS

This bill would require the Department of Fish and Game and the Department of Parks and Recreation to prepare land management plans for all of their existing properties, which would describe their goals and strategies for managing the land and would identify and describe both ongoing and any necessary restoration, rehabilitation, and improvement projects for the land. The bill would require those departments to prepare and complete land management plans for all existing properties before they acquire additional property for the purpose of ecosystem

restoration and wildlife habitat preservation. This bill would provide that the Governor's Office of Planning and Research is the coordinating agency for all state agencies, boards, and programs with authority either to acquire or fund the acquisition of land for ecosystem restoration and wildlife habitat preservation, and would impose duties on the office in that regard.

STATUS: Assembly First Reading 2/26/01

SB 23: Costa: CALFED FUNDS

The Budget Act of 2000 appropriates \$125 million to the Department of Water Resources for the implementation of the CALFED Record of Decision (ROD), and prohibits expenditure of those funds until a statute is enacted certifying that the projects and activities for which the funds are expended are consistent with a prescribed environmental document. This bill would declare that the Legislature certifies that the programs and projects described in the ROD are consistent with CALFED's final environmental document, and that the appropriated funds are eligible for expenditure.

STATUS: Amended 3/1/01. Passed Senate Committee on Agriculture and Water Resources 3/6/01; to Senate Committee on Appropriations

SB 1115: Costa: THE CALFED BAY-DELTA PROGRAM

Under existing law, certain state and federal agencies with management and regulatory responsibilities in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary participate in the CALFED Bay-Delta Program for the purposes of improving ecosystem quality, water supply reliability, water quality, and the integrity of the levees and channels in the bay-delta. This bill would create in the Resources Agency a CALFED Bay-Delta Commission to manage the implementation of the CALFED Bay-Delta Program, as specified.

STATUS: Senate First Reading 2/26/01